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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ROCKY BIXBY, et al.,

Plaintiffs,

v.

KBR, INC., et al.,

Defendants.

Civil No.: 3:09-CV-632-PK

**DEFENDANTS' MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER
JURISDICTION**

Pursuant to Fed. R. Civ. P. 12(b)(1)

(ORAL ARGUMENT REQUESTED)

I. COMPLIANCE WITH LR 7.1

Pursuant to District of Oregon Local Rule 7.1, counsel for defendants KBR, Inc.; Kellogg Brown & Root Services, Inc.; KBR Technical Services, Inc.; Overseas Administration Services, Ltd.; and Service Employees International, Inc. (collectively, the "KBR defendants") certifies that a good faith effort to confer with plaintiffs' counsel concerning the issues raised in this motion was made prior to filing this motion, but the parties were unable to resolve those issues.

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II. MOTION

Pursuant to Fed. R. Civ. P. 12(b)(1), the KBR defendants move for an Order dismissing them from this action with prejudice for lack of subject matter jurisdiction.

Pursuant to District of Oregon Local Rule 7.1(f)(2), the KBR defendants respectfully request oral argument of this motion.

This motion is supported by the Court's file and record herein, the written submissions in support of the motion and attached exhibits, and the oral argument presented at any hearing of the motion.

DATED: April 23, 2010

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By /s/ Jeffrey S. Eden

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